

DECEMBER 1988

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# *The* **NORTH CAROLINA REGISTER**

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**ISSUE DATE: DECEMBER 1, 1988**

**Volume 3 • Issue 17 • Pages 800-833**



# INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

## NORTH CAROLINA REGISTER

The *North Carolina Register* is published bi-monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed, administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately fifty pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of ninety-five dollars (\$95.00) for 24 issues.

Requests for subscriptions to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: *Subscriptions*.

## ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include the time and place of the public hearing; a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; a reference to the Statutory Authority for the action and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any **amendment** which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Unless a specific statute provides otherwise, at least 30 days must elapse following publication of the proposal in the *North Carolina Register* before the agency may conduct the required public hearing and take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule for approval by the Administrative Rules Review Commission. Upon approval of ARRC, the adopted or amended rule must be filed with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, upon request by the agency, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule cannot become effective earlier than the first day of the second calendar month after the adoption is filed with the Office of Administrative Hearings for publication in the NCAC.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

## TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in

effect for the period specified in the rule or 180 days, whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

## NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter size, single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) Single pages may be obtained at a minimum cost of two dollars and 50 cents (\$2.50) for 10 pages or less, plus fifteen cents (\$0.15) per each additional page.
- (2) The full publication consists of 52 volumes totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication available.

Requests for pages of rules or volumes of the NCAC should be directed to the Office of Administrative Hearings.

## NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

## CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue page number and date. **1:1 NCR 101-201, April 1, 1986** refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

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**North Carolina Administrative Code.** Published in looseleaf notebooks with supplement service by the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions seven hundred and fifty dollars (\$750.00). Individual volumes available.

# **NORTH CAROLINA REGISTER**

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**NORTH CAROLINA REGISTER**  
*Publication Deadlines and Schedules*  
*(September 1988 - March 1989)*

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing & Adoption by Agency	* Earliest Effective Date
09/01/88	08/11/88	08/18/88	10/01/88	01/01/89
09/15/88	08/26/88	09/02/88	10/15/88	01/01/89
10/03/88	09/12/88	09/19/88	11/02/88	02/01/89
10/14/88	09/26/88	10/03/88	11/13/88	02/01/89
11/01/88	10/11/88	10/18/88	12/01/88	03/01/89
11/15/88	10/26/88	11/02/88	12/15/88	03/01/89
12/01/88	11/07/88	11/15/88	12/31/88	04/01/89
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01/02/89	12/08/88	12/15/88	02/01/89	05/01/89
01/16/89	12/27/88	01/03/89	02/15/89	05/01/89
02/01/89	01/10/89	01/17/89	03/03/89	06/01/89
02/15/89	01/26/89	02/02/89	03/17/89	06/01/89
03/01/89	02/08/89	02/15/89	03/31/89	07/01/89
03/15/89	02/21/89	03/02/89	04/14/89	07/01/89

\* The "Earliest Effective Date" is computed assuming that the public hearing and adoption occur in the calendar month immediately following the "Issue Date", that the agency files the rule with The Administrative Rules Review Commission by the 20th of the same calendar month and that ARRC approves the rule at the next calendar month meeting.

# EXECUTIVE ORDER

---

## EXECUTIVE ORDER NUMBER 78

### GOVERNOR'S TASK FORCE ON INJURY PREVENTION

Sudden and unexpected injuries represent one of the most serious health problems facing the citizens of this State. The loss of life, economic loss, and the personal tragedy caused by such injuries on and off the job demand that a concerted effort be made to better understand this problem and seek solutions to it.

In order to better prevent accidental injuries and to ensure that the best rehabilitative methods and resources are available to those who are injured, a systematic approach to injury prevention and rehabilitation by all segments of our society is needed.

THEREFORE, by the authority vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED:

#### Section 1 ESTABLISHMENT

The Governor's Task Force on Injury Prevention, hereinafter "The Task Force", is hereby established. The Task Force shall consist of not more than 25 persons appointed by the Governor to serve at the pleasure of the Governor. All vacancies shall be filled by the Governor. The Governor shall designate one member of the Task Force to serve as chairman.

#### Section 2 MEMBERSHIP

The membership of the Task Force shall include, but not be limited to, representatives of the following agencies and groups:

1. Doctors and other Health Care Providers;
2. Pharmacists;
3. Health Directors;
4. Trauma Professionals;
5. Experts in the Field of Occupational Safety;
6. Representatives of Business and Industry;
7. North Carolina Department of Human Resources;
8. North Carolina Department of Transportation;
9. North Carolina Department of Insurance;
10. North Carolina Department of Crime Control and Public Safety;
11. North Carolina Department of Commerce;
12. The North Carolina General Assembly; and
13. Other Persons Interested in the Prevention of Injuries.

#### Section 3 FUNCTIONS

- A. The Task Force shall meet regularly at the call of the Chairman.
- B. The Task Force shall have the responsibility of developing and delivering to the Governor a long-range plan designed to decrease the number of injuries in North Carolina and to improve the prognosis of citizens affected by injuries. This plan shall include recommendations that will address:
  1. Measures to increase public awareness of the problem of injury;
  2. Development and coordination of research in bio-mechanics as well as injury causation, incidence, distribution;
  3. Coordination of resources that possess professional expertise in injury prevention and control;
  4. Integration of national, state, and local program activities;
  5. Legislative recommendations necessary to implement a comprehensive injury prevention and control program;
  6. Budgetary requirements necessary to provide a comprehensive injury control program in North Carolina.

#### Section 4 ADMINISTRATION

- A. Administration support and staff for the Task Force shall be provided by the Department of Human Resources, Division of Health Services.

B. Members of the Task Force shall be reimbursed for necessary travel and subsistence expenses as authorized under G.S. 138-5 and 138-6. Funds for the reimbursement of such expenses shall be made available from funds authorized by the Department of Human Resources, Division of Health Services.

C. It shall be the responsibility of each cabinet department to make every reasonable effort to cooperate with the Task Force in carrying out the provisions of this order.

#### Section 5 IMPLEMENTATION AND DURATION

This Executive Order shall become effective immediately and will expire in accordance with North Carolina law two years from the date on which it is signed. It is subject to reissuance or extension at the discretion of the Governor.

Done in Raleigh, North Carolina, this 1st day of November, 1988.

**VOTING RIGHTS ACT FINAL DECISION LETTERS**

---

*[G.S. 120-30.9H, effective July 16, 1986, requires that all letters and other documents issued by the Attorney General of the United States in which a final decision is made concerning a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 be published in the North Carolina Register.]*

U.S. Department of Justice  
Civil Rights Division

WBR:DBM:TGL:dvs  
DJ 166-012-3  
W7509

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

November 4, 1988

Robert C. Cogswell Jr., Esq.  
City Attorney  
P. O. Box 1513  
Fayetteville, North Carolina 28302

Dear Mr. Cogswell:

This refers to the November 8, 1988, bond election for the City of Fayetteville in Cumberland County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on September 8, 1988.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

Gerald W. Jones  
Chief, Voting Section

U.S. Department of Justice  
Civil Rights Division

WBR:LLT:TGL:gmh  
DJ 166-012-3  
W7451-7463

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

November 4, 1988

Robert C. Cogswell, Esq.  
City Attorney  
P. O. Box 1513  
Fayetteville, North Carolina 28302-1513

Dear Mr. Cogswell:

This refers to the twelve annexations (Ordinance Nos. 88-2-203; 88-5-304; 88-5-305; 88-5-306; 88-5-307; 88-5-308; 88-5-309; 88-5-310; 88-5-311; 88-5-312; 88-6-313; 88-7-314) and the designation of the annexed areas to single-member districts for the City of Fayetteville in Cumberland County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submission on September 8, 1988; supplemental information was received on September 13, 1988.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

Gerald W. Jones  
Chief, Voting Section

U.S. Department of Justice  
Civil Rights Division

WBR:SSC:ST:gmh  
DJ 166-012-3  
W7661-7663

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

November 9, 1988

Michael Crowell, Esq.  
Tharrington, Smith & Hargrove  
P. O. Box 1151  
Raleigh, North Carolina 27602

Dear Mr. Crowell:

This refers to Chapter 972, H.B. No. 2343 (1987), which provides for an increase in the number of county commissioners from five to seven, an election method change from at large to direct election of three members from single-member districts and two elected at large from two dual-member districts, and a districting plan for Craven County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on September 14, 1988.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

Gerald W. Jones  
Chief, Voting Section

## **NOTICE OF PETITION FOR MUNICIPAL INCORPORATION**

---

*[G.S. 150B-63(d1) requires publication of Notice that a Petition for Incorporation has been filed with the Joint Legislative Commission on Municipal Incorporations].*

In accordance with G.S. 120-165, the Joint Legislative Commission on Municipal Incorporations gives notice that it has received a petition for the incorporation of the Town of Fletcher in Henderson County. A copy of G.S. 120-165 is reprinted below.

**§120-165. Initial inquiry.**

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

Sincerely,

Gerry F. Cohen  
Counsel

**TITLE 15 - DEPARTMENT OF NATURAL  
RESOURCES AND COMMUNITY  
DEVELOPMENT**

*Notice is hereby given in accordance with G.S. 150B-12 that the Wildlife Resources Commission intends to amend rules cited as 15 NCAC 10B .0105, .0113, .0202, .0203, .0209, .0210; 10C .0205, .0206, .0213, .0305, .0401, .0402, .0407; 10D .0002, .0003.*

*The proposed effective date of this action is July 1, 1989.*

*The public hearing will be conducted at 7:00 p.m. at the following Districts, dates and locations:*

<i>District 1</i>	
<i>February 7, 1989</i>	
<i>Edenton, NC</i>	
<i>Old Courthouse</i>	
<i>District 2</i>	
<i>February 6, 1989</i>	
<i>New Bern, NC</i>	
<i>County Courthouse</i>	
<i>District 3</i>	
<i>February 8, 1989</i>	
<i>Nashville, NC</i>	
<i>County Courthouse</i>	
<i>District 4</i>	
<i>February 9, 1989</i>	
<i>Elizabethtown, NC</i>	
<i>County Courthouse</i>	
<i>District 5</i>	
<i>February 10, 1989</i>	
<i>Graham, NC</i>	
<i>Superior Court Room</i>	
<i>County Courthouse</i>	
<i>District 6</i>	
<i>February 13, 1989</i>	
<i>Albemarle, NC</i>	
<i>North Stanley High School</i>	
<i>District 7</i>	
<i>February 16, 1989</i>	
<i>Elkin, NC</i>	
<i>Elkin High School Auditorium</i>	
<i>District 8</i>	
<i>February 14, 1989</i>	
<i>Morganton, NC</i>	
<i>City of Morganton</i>	
<i>Civic Center Auditorium</i>	
<i>District 9</i>	
<i>February 15, 1989</i>	
<i>Murphy, NC</i>	
<i>County Courthouse</i>	

*Comment Procedures: Interested persons may present their views either orally or in writing at the hearing or by mailing to N.C. Wildlife Resources Commission, 512 N. Salisbury St., Raleigh, NC 27611. The record of hearing is open from fifteen days preceding the date of hearing to fifteen days after the date of hearing.*

**CHAPTER 10 - WILDLIFE RESOURCES AND  
WATER SAFETY**

**SUBCHAPTER 10B - HUNTING AND  
TRAPPING**

**SECTION .0100 - GENERAL REGULATIONS**

**.0105 MIGRATORY GAME BIRDS**

(a) Cooperative State Rules:

- (1) The taking of sea ducks (scooter, eider and old squaw) during any special federally-announced season for these species shall be limited to the waters of the Atlantic Ocean, and to those coastal waters south of US 64 which are separated by a distance of at least 800 yards of open water from any shore, island or marsh.
- (2) The extra daily bag and possession limits allowed by the federal regulations on scaup apply in all coastal waters east of U.S. Highway 17, except Currituck Sound north of US 158.
- (3) Tundra swans may be taken during the open season by permit only subject to limitations imposed by the U. S. Fish and Wildlife Service. A limited number of nontransferable swan permits will be issued by the Wildlife Resources Commission without charge to as many applicants who will be selected at random by computer, and only one swan may be taken under each permit which must be cancelled at the time of the kill by cutting out the month and day of the kill. Accompanying the permit is a metal tag which must be affixed at the base of the right wing of the swan at the time and place of the kill. In addition, a preaddressed post-paid card is supplied to each permittee on which to report the number of days hunted and the details of the kill if made. It is unlawful to hunt swans without having the permit and the tag in possession or to possess a swan without the cancelled permit in possession and the tag properly affixed to the swan.

(b) Notwithstanding the provisions of G.S. 113-291.1(a) and (b), the following restrictions apply to the taking of migratory game birds:

(1) No migratory game bird may be taken:

- (A) With a rifle;
- (B) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to limit its total capacity to not more than three shells.

(2) No migratory game bird may be taken:

- (A) From or by the use of a sinkbox or any other type of low floating device affording the hunter a means of concealment beneath the surface of the water;
- (B) With the aid of bait, or on, over or within 300 yards of any place where any grain, salt or other feed is exposed so as to constitute an attraction to migratory game birds or has been so exposed during any of the 10 consecutive days preceding the taking, except that this Part shall not apply to standing crops, flooded croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;
- (C) With the aid of live decoys, or on, over or within 300 yards of any place where tame or captive migratory game birds are present, unless such birds are and have been for a period of 10 consecutive days prior to such taking confined within an enclosure which substantially reduces the audibility of their calls and totally conceals them from the sight of wild migratory game birds.

(3) Waterfowl hunting and harassment and other unauthorized activities shall be prohibited on posted waterfowl management areas established by the Wildlife Resources Commission for Canada Geese and ducks restoration.

*Authority G.S. 113-134; 113-274; 113-291.1; 50 C.F.R. 20.21; 50 C.F.R. 20.105.*

#### **.0113 BIG GAME KILL REPORTS**

The carcass of each bear, wild turkey, deer and wild boar shall be tagged at the site of the kill with the appropriate big game tag which has been validated by cutting out the month and day of the kill. Prior to skinning or dressing for consumption the said carcass shall be taken directly to a wildlife cooperator agent located within the immediate area of open season who will supply a big game kill report card in duplicate. The report card must be completed to show the information called for thereon. The tag shall be affixed to the carcass at a location and in such

manner as to be visible upon inspection from the outside, and it is unlawful to affix the tag at any location or in any manner so as to conceal it from visibility upon ordinary inspection. It is unlawful to remove the tag from the carcass prior to completion of the report card or at any time thereafter until the carcass is finally skinned or dressed for consumption. The duplicate copy of the big game kill report card must be retained by the hunter and shall thereafter constitute his permit to continue in possession of the carcass. Otherwise, the continued possession of the bear, wild turkey, deer or wild boar shall be unlawful.

Persons who are by law exempt from the big game hunting license are not required to tag the carcass but shall report each kill as above required, and, in lieu of the tag, the word "exempt" together with the reason therefor (parent's license, landowner, agricultural lessee) shall be written on the original of the big game kill report card.

Any big game tag which has been detached from the tag card issued with the big game license prior to the killing and tagging of the big game animal shall be seized by a wildlife enforcement officer.

*Statutory Authority G.S. 113-134; 113-270.3; 113-276.1.*

#### **SECTION .0200 - HUNTING**

##### **.0202 BEAR**

###### **(a) Open Seasons:**

- (1) Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1 in and west of the boundary formed by NC 16 from the Virginia State line to Wilkesboro and NC 18 from Wilkesboro to the South Carolina State line.
- (2) Second Monday in November to the following Saturday in Beaufort, Camden, Craven, Jones, Pamlico, Pasquotank, and Washington Counties; and in that part of Bertie County southeast of US 17.
- (3) Second Monday in November to the following Wednesday in Gates, Hyde and Tyrrel Counties.
- (4) Second Monday in November to January 1 in Bladen, Carteret, Duplin, New Hanover, Onslow and Pender Counties; in that part of Cumberland County south of NC 24 and east of the Cape Fear River; and in that part of Sampson county south of NC 24.
- (5) Second Monday in December to January 1 in Brunswick and Columbus Counties.

(b) No Open Season. There is no open season in any area not included in Paragraph (a) of this Rule or in those parts of counties included in the following posted bear sanctuaries:

Avery, Burke and Caldwell Counties--  
Daniel Boone bear sanctuary  
Beaufort, Bertie and Washington Counties--  
-Bachelor Bay bear sanctuary  
Beaufort and Craven Counties--Big Pocosin  
bear sanctuary  
Beaufort and Pamlico Counties--Gum  
Swamp bear sanctuary  
Bladen County--Suggs Mill Pond bear  
sanctuary  
Brunswick County--Green Swamp bear  
sanctuary  
Buncombe, Haywood, Henderson and  
Transylvania Counties--Pisgah bear sanc-  
tuary  
Carteret, Craven and Jones Counties--  
Croatan bear sanctuary  
Clay County--Fires Creek bear sanctuary  
Currituck County--North River bear sanc-  
tuary  
Dare County--Bombing Range bear sanctu-  
ary  
Haywood County--Harmon Den bear sanc-  
tuary  
Haywood County--Sherwood bear sanctu-  
ary  
Hyde County--Gull Rock bear sanctuary  
Hyde County--Pungo River bear sanctuary  
Jones and Onslow Counties--Hofmann bear  
sanctuary  
Macon County--Standing Indian bear sanc-  
tuary  
Macon County--Wayah bear sanctuary  
Madison County--Rich Mountain bear  
sanctuary  
McDowell and Yancey Counties--Mt.  
Mitchell bear sanctuary  
Mitchell and Yancey Counties--Flat Top  
bear sanctuary  
~~Pasquotank and Perquimans Counties~~  
~~Dismal Swamp bear sanctuary~~  
~~Tyrrell and Hyde Counties Hollow Ground~~  
~~Swamp bear sanctuary~~  
Washington County--Bull Bay bear sanctu-  
ary  
Wilkes County--Thurmond Chatham bear  
sanctuary

(c) Bag limits: daily, one; possession, one;  
season, one.

(d) Kill Reports. The carcass of each bear shall  
be tagged and the kill reported as provided by 15  
NCAC 10B .0113.

*Statutory Authority G.S. 113-134; 113-291.2;  
113-291.7; 113-305.*

**.0203 DEER (WHITE-TAILED)**

(a) Closed Season. All counties and parts of  
counties not listed under the open seasons below  
in this Rule are closed to deer hunting.

(b) Open Seasons (All Lawful Weapons):

(1) Male Deer With Visible Antlers. Male  
deer with antlers or spikes protruding  
through the skin, as distinguished from  
knobs or buttons covered by skin or vel-  
vet, may be taken during the following  
seasons:

(A) Monday on or nearest October 15 to  
January 1 in the following counties and  
parts of counties:

Beaufort	Lenoir
Bertie	Martin
Bladen	Nash
Brunswick	New Hanover
Camden	Northampton
Carteret	Onslow
Chowan	Pamlico
Columbus*	Pasquotank
Craven	Pender
Currituck	Perquimans
Dare	Pitt
Duplin	Richmond**
Edgecombe	Robeson
Franklin	Scotland**
Gates	Tyrrell
Greene	Vance
Halifax	Warren
Hertford	Washington
Hoke	Wayne
Hyde	Wilson
Jones	

\*Unlawful to hunt or kill deer in Lake  
Waccamaw or within 50 yards of its  
shoreline.

\*\*See 15 NCAC 10D .0003(d)(2) for sea-  
sons on Sandhills Game Land.

Cumberland: All of the county except  
that part north of NC 24 east of  
Fayetteville and east of NC 210 north  
of Fayetteville.

Harnett: That part west of NC 87.

Johnston: All of the county except that  
part south of US 70 and west of I-95.

Moore: That part south of NC 211 and  
east of US 1, except on the Sandhills  
Game Land [see 15 NCAC 10D  
.0003(d)(2)].

Sampson: All of the county except that part west of NC 242 and north of US 13.

Wake: That part north of NC 54 west of Raleigh and US 70 east of Raleigh.

(B) Monday of Thanksgiving week to second Saturday after Thanksgiving Day in the following counties and parts of counties:

Alexander	Iredell
Alleghany	Lincoln
Ashe	Stokes
Catawba	Surry
Davie	Watauga
Forsyth	Wilkes
Gaston	Yadkin

Mecklenburg: That part west of I-77, south of NC 73, east of the Catawba River, and north of NC 16 and SR 2004, except Cowan's Ford Waterfowl Refuge.

(C) Monday of Thanksgiving week to third Saturday after Thanksgiving Day in the following counties and parts of counties:

Avery	Jackson
Buncombe	Macon
Burke	Madison
Caldwell	McDowell
Cherokee	Mitchell
Clay	Polk
Cleveland	Rutherford
Graham	Swain
Haywood	Transylvania
Henderson	Yancey

(D) Monday before Thanksgiving week to January 1 in the following counties and parts of counties:

Alamance	Montgomery
Anson	Orange
Caswell	Person
Chatham	Randolph
Davidson	Rockingham
Durham	Rowan
Granville	Stanly
Guilford	Union
Lee	

Cabarrus: That part east of I-85.

Cumberland: That part north of NC 24 east of Fayetteville and east of NC 210, north of Fayetteville, but excluding the area located north and east of a boundary formed by US 13, US 301, SR 1802, SR 1709 and the Cape Fear River.

Harnett: That part east of NC 87 and west of US 401 north of Lillington and the Cape Fear River south of Lillington.

Johnston: That part south of US 70 and west of I-95.

Moore: That part north of NC 211 and west of US 1.

Sampson: The part west of NC 242 and north of US 13.

Wake: That part south of NC 54 west of Raleigh and US 70 east of Raleigh.

(2) Deer of Either Sex. Deer of either sex may be taken during the open seasons and in the counties and portions of counties listed below:

(A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the first Saturday in October to January 1 in those parts of Hyde and Washington Counties known as the Pungo National Wildlife Refuge.

(B) The open either-sex deer hunting dates established by the appropriate military commands during the period from Monday on or nearest October 15 to January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Monday on or nearest October 15 to January 1 in those parts of Camden, Gates and Pasquotank Counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Anson and Richmond Counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.

(D) Third Saturday in October for youth either sex deer hunting by permit only on a designated portion of Belews Creek Steam Station in Stokes County.

(E) The second Saturday in December in all of Buncombe, Haywood, Henderson, Madison, Polk, and Transylvania Counties.

(F) Wednesday of the week following Thanksgiving in all of Catawba,

Cleveland, Forsyth, Greene, and Rutherford, and Wilson Counties; and in all of Alleghany, Ashe, Burke, Caldwell, and McDowell Counties except on game lands, the following parts of Counties:

Alleghany: All of the county except game lands.

Ashe: All of the county except game lands.

Burke: All of the county except game lands.

Cabarrus: That part east of US 601 and west of US 52.

Caldwell: All of the county except game lands.

Cumberland: That part south of SR 1709, west of 301 and east of the Cape Fear River.

Davidson: That part north of I-85, except game lands.

Johnston: That part north of US 70 and west of I-95.

McDowell: All of the county except game lands.

Mecklenburg: That part west of I-77, south of NC 73, east of the Catawba River, and north of NC 16 and SR 2004 except for the Cowan's Ford Waterfowl Refuge.

Moore: That part north of NC 211, except game lands.

Nash: That part south of US 64.

Rowan: That part north of I-85 and west of US 52, except game lands.

Wake: That part south of NC 54 west of Raleigh and south of US 70 east of Raleigh.

Wayne: That part north of US 70.

(E) (G) Wednesday and Thursday of the week following Thanksgiving in all of Camden, Dare, Iredell and Surry Counties and in the following parts of counties:

Alexander: All of the county except game lands.

Davie: All of the county except game lands.

Pamlico: All of the county except game lands.

Pasquotank: All of the county except Dismal Swamp National Wildlife Refuge.

Robeson: That part east of a boundary formed by SR 1004, NC 41, NC 211, SR 1620, SR 2225, NC 130 and NC 41.

Scotland: That part north of US 74, except game lands.

Stokes: All of the county except game lands.

Tyrrell: That part south of US 64.

Wilkes: All of the county except game lands.

(F) (H) Wednesday to Saturday of the week following Thanksgiving in all of Alamance, Caswell, Chatham, Durham, Franklin, Granville, Lee, Orange, Person, Rockingham and Vance Counties and in the following parts of counties:

Columbus: That part west of a line formed by US 74, SR 1005, and SR 1125.

Cumberland: That part east of I-95 and south of NC 24.

Currituck: All of the county except the Outer Banks and the Mackay Island National Wildlife Refuge.

Edgecombe: That part south of US 64.

Guilford: That part north of a boundary formed by I-40 and I-85.

Lenoir: That part west of NC 11.

Moore: That part south of NC 211, except game lands.

Nash: That part north of US 64.

Perquimans: That part south of US 17 and east of Perquimans River.

Randolph: That part south of US 64 and west of US 220, except on game lands.

Richmond: That part east of Little River, except game lands.

Robeson: That part east of a line formed by SR 1005, US 301, and I-95.

Stanly: All of the county except game lands.

Wake: That part north of NC 54 west of Raleigh and north of US 70 east of Raleigh.

Washington: That part west of NC 32 and south of US 64.

Wayne: That part south of US 70.

(G) (I) Wednesday of the week following Thanksgiving to Saturday of next succeeding week in all of Duplin, Martin, Pitt and Warren Counties and in the following parts of counties:

Anson: All of the county except game lands and the Pee Dee National Wildlife Refuge.

Beaufort: All of the county except game lands.

Bladen: All of the county except on game lands.

Brunswick: That part north and east of a line formed by US 17, NC 211, and the Lockwood Folly River.

Cabarrus: That part east of US 52.

Carteret: All of the county except game lands.

Chowan: That part north of US 17.

Columbus: That part east of US 701, NC 130, SR 1157, SR 1141, SR 1139, SR 1118, SR 1108 and SR 1104.

Craven: All of the county except game lands.

Davidson: That part south of I-85, except on game lands.

Edgecombe: That part north of US 64.

Hyde: All of the county except Pungo National Wildlife Refuge.

Johnston: That part south of US 70 and east of I-95.

Jones: All of the county except game lands.

Lenoir: That part east of NC 11.

Montgomery: All of the county except on game lands.

New Hanover: That part north of US 74.

Onslow: All of the county except game lands.

Pamlico: All of the county except on game lands.

Perquimans: All of the county except that part south of US 17 and east of Perquimans River.

Richmond: That part west of Little River, except Pee Dee National Wildlife Refuge.

Rowan: That part south of I-85 and east of US 52, except on game lands.

Sampson: That part south of NC 24.

Stanly: That part east of NC 52 and north of NC 24-27 except game lands.

Washington: That part west of NC 32 and South of US 64.

(H) (J) Monday of Thanksgiving week to the third Saturday after Thanksgiving Day in that part of Buncombe County east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of SR 3503, NC 280 and SR 3501.

(H) (K) Wednesday of the week following Thanksgiving to January 1 in all of Bertie, Brunswick, Halifax, Hertford, and Northampton, and Pitt Counties, and in the following parts of counties:

Beaufort: All of the county except game lands.

Bladen: All of the county except game lands.

Chowan: That part south of US 17.

Columbus: That part east of a line formed by US 74, SR 1005, and SR 1125.

Craven: All of the county except game lands.

Edgecombe: That part north of US 64.

Gates: All of the county except Dismal Swamp National Wildlife Refuge.

Jones: All of the county except game lands.

New Hanover: That part north of US 74.

Onslow: All of the county except game lands.

Pender: All of the county except game lands.

(3) Game Lands Either-Sex Hunts. On the hunt dates indicated, deer of either sex may be taken by permittees engaged in managed hunts conducted on game lands in accordance with 15 NCAC 10D .0003(d)(4).

(c) Open Seasons (Bow and Arrow):

(1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule (and except where prohibited by local law), deer of either sex may be taken with bow and arrow during the following seasons:

(A) Monday on or nearest September 10 to the fourth Saturday thereafter in the counties and parts of counties having the open season for male deer specified by Part (A) of Subparagraph (b)(1) of this Rule, except on the Sandhills Game Land.

(B) Monday on or nearest September 10 to the second Saturday before Thanksgiving in the counties and parts of counties having the open seasons for male deer specified by Part (B) of Subparagraph (b)(1) of this Rule.

(C) Monday on or nearest September 10 to the fourth Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of counties having the open seasons for male deer specified by Part (C) of Subparagraph (b) (1) of this Rule, except in Yancey County.

(D) Monday on or nearest September 10 to the third Saturday before Thanksgiving in the counties and parts of counties having the open season for male deer specified by Part D of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Yancey County:

(A) Monday on or nearest September 10 to the fourth Saturday thereafter for antlered deer only.

(B) Monday on or nearest October 15 to the Saturday before Thanksgiving for deer of either sex.

(3) Restrictions:

(A) Dogs may not be used for hunting deer during the bow and arrow season.

(B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and arrow deer hunting season.

(C) Only bows and arrows of the types authorized in 15 NCAC 10B .0116 for taking deer may be used during the bow and arrow deer hunting season.

(d) Open Seasons (Muzzle-Loading Rifles and Shotguns):

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with muzzle-loading firearms during the following seasons:

(A) Monday on or nearest October 8 to the following Saturday in the counties and parts of counties having the open seasons for male deer specified by Items (A) and (C) of Subparagraph (b)(1) of this Rule, except on Sandhills Game Land.

(B) Monday to Saturday of the week preceding Thanksgiving week in the counties and parts of counties having the open seasons for male deer specified by Item (B) of Subparagraph (b)(1) of this Rule.

(C) Monday to Saturday of the second week before Thanksgiving week in the counties and parts of counties having the open season for male deer specified by Part D of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions:

(A) Only male deer with visible antlers may be taken during the muzzle-loading firearms seasons, except for one antlerless deer authorized to be taken without substitution by Subparagraph (2) of Paragraph (e) of this Rule. Only male deer with visible antlers may be taken during the muzzle-loading firearms seasons except that:

(1) On the last day of the established muzzle-loading firearms season a maximum of two antlerless deer may be substituted for an equal number of antlered deer when taken in that part of any county listed below that has an established gun either-sex deer season.

Alexander	Forsyth
Alleghany	Iredell
Ashe	Mecklenburg
Burke	McDowell
Caldwell	Rutherford
Catawba	Stokes
Cleveland	Surry
Davie	Wilkes

(2) In those areas with an established gun either-sex deer season in counties or parts of counties listed in (A) or (D) of Subparagraph (b) (1) of this Rule a maximum of two antlerless deer may be substituted for an equal number of antlered deer and one additional antlerless deer is permitted without substitution.

(B) Dogs may not be used for hunting deer during the muzzle-loading firearms seasons.

(C) Pistols may not be carried while hunting deer during the muzzle-loading firearms seasons.

(e) Bag Limits:

(1) Male Deer With Visible Antlers. Daily, two; possession, two; season, four.

(2) Antlerless Deer. Where antlerless deer may be lawfully taken, a maximum of two antlerless deer may be substituted for an equal number of antlered deer in the limits contained in Subparagraph (1) of this Paragraph. and one additional antlerless deer is permitted without substitution when taken during a gun either-sex, a bow and arrow, or muzzle loading firearm season for deer in a county or part of a county included in both Parts (A) or (D) of Subparagraph (b)(1) and Subparagraph (b)(2) of this Rule. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin.

(3) In those areas with an established gun either-sex deer season in counties and parts of counties listed in (A) or (D) of Subparagraph (b) (1) of this Rule, one additional antlerless deer is permitted without substitution when taken during a gun either-sex, bow and arrow or muzzle-loading firearms season.

(4) Managed Game Land Hunts. Excluded from the possession and season limits set forth in Subparagraphs (1) and (2) of this Paragraph are deer of either sex taken by permittees engaged in managed hunts conducted on game lands in accordance with 15 NCAC 10D .0003(d)(4) and (5),

such deer being in addition to the specific possession and season limits set out in this Paragraph.

(f) Kill Reports. The carcass of each deer shall be tagged and the kill reported as provided by 15 NCAC 10B .0113.

Statutory Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2.

#### .0209 WILD TURKEY (BEARDED TURKEYS ONLY)

(a) Open Season: Second Saturday in April to Saturday of the fourth week thereafter on bearded turkeys in the following counties: Alleghany, Ashe, Bertie, Buncombe, Burke, Caswell, Cherokee, Clay, Durham, Graham, Granville, Hyde, Jackson, Macon, McDowell, Mitchell, Onslow, Orange, Person, Rockingham, only, except there is no open season in the counties of Alexander, Anson, Brunswick, Davidson, Davie, Forsyth, Harnett, Hertford, Hoke, Iredell, Perquimans, Polk, Randolph, Rowan, Rutherford and Scotland, and Surry and in the following portions of counties:

Alamance: All of the county except that part south of I-85 and west of NC 87.

Anson: That part east of US 52 and north of US 74.

Bertie: That part north of US 47 and east of US 42.

Bladen: That part east of NC 52 and west of NC 240. All of the county except that part bounded on the west by US 701, on the east by 210, and on the south by NC 53, SR 1730, and the Columbus County line.

Brunswick: That part north of US 74-76.

Caldwell: That part west of US 321.

Carteret: That part west of US 70 and north of NC 24.

Chatham: That part north and west of US 1.

Chowan: That part south of US 17.

Cherokee: That part south of SR 4505 and US 49-129 and north of US 64.

Columbus: That part south of US 74 and west of NC 410 and that part north of NC 87.

Craven: That part west of US 70, BUS 70 and NC 55 east of New Bern, and south of SR 1100.

Cumberland: That part north and west of US 401.

Guilford: That part north of a boundary formed by I-85 and I-40.

Halifax: That part north of NC 903 and east of I-95, south of NC 903 and west of NC 258.

Haywood: That part north south of US 23 and that part south and west of I-40.

Henderson: That part west east of I-26.

Hoke: That part south and west of NC 211.

Jackson: That part south of US 23 and east of NC 107 and NC 281.

Johnston: That part south of US 70 and east of I-95 and east of US 701.

Jones: That part south north and west of a boundary formed by SR 1105 and NC 58 to Maysville and east west of US 17, south of Maysville.

Lee: That part south of US 421 and east of US 4.

Madison: All of the county except that part north of a boundary formed by NC 208, NC 212 and SR 1434.

Martin: That part north of a boundary formed by US 64 from the Washington County line to Williamston, north of NC 125 from Williamston to the junction with NC 142, and north of NC 142 to the Edgecombe County line.

Montgomery: That part south north of NC 24-27.

Moore: That part south of NC 241 and east of US 4.

Northampton: That part south of a boundary formed by US 158 from the Halifax County line to Jackson, NC 305 from Jackson to Rich Square, US 258 from Rich Square to NC 308, and NC 308 to the Bertie County line.

Pender: That part west south of US 421 from the Sampson County line to NC 210 and south of NC 210 and NC 133 to the New Hanover County line.

Perquimans: That part south of US 17.

Richmond: That part east of US 220 and north of US 74, and that part west of US 409.

Robeson: That part east of I-95 and south of US 74.

Swain: All of the county except that part south of US 19 and west of NC 28.

Transylvania: All of the county except that part west north of US 178, 64, east of NC 284 and south west of NC 215, US 64.

Watauga: That part north south of US 421, and east of US 321.

Wilkes: That part north south of US 421.

Yancey: All of the county except that part bounded on the west by NC 197, on the north by US 19E, and on the east by NC 80.

Note: No open season in Gates County by local law.

- (b) Bag Limits: Daily, one; possession, two; season, two.
- (c) Dogs Prohibited. It is unlawful to use dogs for hunting turkeys.
- (d) Kill Reports. The carcass of each wild turkey shall be tagged and the kill reported as provided by 15 NCAC 10B .0113.

*Statutory Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2.*

**.0210 RUFFED GROUSE (NATIVE PHEASANT)**

- (a) Open Season: Monday on or nearest October 30 through ~~15 to last day of February 14.~~
- (b) Bag Limits: Daily, three; possession, six; season, 30.

*Statutory Authority G.S. 113-134; 113-291.2.*

**SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

**SECTION .0200 - GENERAL REGULATIONS**

**.0205 PUBLIC MOUNTAIN TROUT WATERS**

(a) Designation of Public Mountain Trout Waters. On game lands located in western North Carolina certain waters are classified and designated as public mountain trout waters. Those not further specifically classified as native trout waters are classified as general trout waters. (See 15 NCAC 10D .0004) Other streams, portions of streams, and bodies of water which are not located on game lands are designated within this Rule as public mountain trout waters and are classified as general or native trout waters. These waters are posted and lists thereof are filed with the clerks of superior court of the counties in which they are located:

(1) General Trout Waters. The general public mountain trout waters which are not located on game lands are designated in this Subparagraph under the counties where located. Indentation indicates the watercourse named is tributary to the next preceding watercourse named and not so indented. The designation applies to the entire watercourse or impoundment named except as otherwise indicated in parentheses following the name. Other clarifying information may also be included parenthetically:

- (D) Buncombe County:
  - French Broad River (not trout water)
  - Ivy River (headwaters to US 19-23 bridge)
  - Mineral Creek
  - Carter Creek
  - Corner Rock Creek

**Sandymush Creek**

Reems Creek (Woodfin Watershed dam to US 19-23 bridge, except where posted against trespass)

Swannanoa River (SR 2702 bridge near Ridgecrest to ~~US 70 bridge at Azalea, Sayles Bleachery in Asheville~~ except where posted against trespass)

Cane Creek (headwaters to SR 3138 bridge)

(I) Graham County:

Little Tennessee River (not trout water)  
Calderwood Lake (Cheoah Dam to Tennessee State line)

~~Cheoah River (Deep Creek to existing Calderwood Lake water level)~~

Yellow Creek

West Buffalo Creek

Huffman Creek

Squalla Creek

South Creek

Big Snowbird Creek

Cheoah River (not trout water)

Mountain Creek (headwaters to SR 1138 bridge)

Long Creek (headwaters to lower bridge on SR 1127)

Tulula Creek (headwaters to lower bridge on SR 1211)

Franks Creek

Cheoah Reservoir

Stecoah Creek

Sawyer Creek

Panther Creek

(N) Madison County:

French Broad River (not trout water)  
Spring Creek (junction of NC 209 and NC 63 to lower US Forest Service boundary line)

Meadow Fork

Roaring Fork

Little Creek

Big Laurel Creek (Mars Hill Watershed boundary to Rice's Mill Dam)

Shelton Laurel Creek (headwaters to NC 208 bridge)

Big Creek (headwaters to lower game land boundary)

Mill Creek

Spillcorn Creek

Puncheon Fork (Hampton Creek to Big Laurel Creek)

~~Sandymush Creek (Buncombe County line to French Broad River)~~

(T) Surry County:

Yadkin River (not trout water)

Ararat River (Virginia State line to Johnson Creek)

Little Fisher River (Virginia State line to NC 89 bridge)  
Cooper Creek  
Merritt Creek  
Pauls Creek (Virginia State line to SR 1625)  
Mitchell River (SR 1330 bridge at intersection of SR 1334 to Kappa Mill Dam on SR 1322)  
North Fork Mitchell River (Christian Creek)  
(Mitchell River to end of State Maintenance on SR 1332)  
(W) Watauga County:  
New River, North Fork (Ashe County)  
Hoskins Fork  
New River, South Fork (not trout water)  
Meat Camp Creek  
Norris Fork Creek  
Howards Creek (downstream from lower falls)  
Winkler Creek (not trout water)  
Flannery Fork  
Middle Fork (Lake Chetola Dam to New River)  
Yadkin River (not trout water)  
Stony Fork  
Elk Creek (headwaters to gravel pit on SR 1508, except where posted against trespass)  
Watauga River (Avery County line to SR 1114 bridge)  
Beech Creek  
Buckeye Creek Reservoir  
Coffee Lake  
Laurel Creek  
Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)  
Dutch Creek  
Crab Orchard Creek  
Boone Fork (headwaters to SR 1562)  
(X) Wilkes County:  
Yadkin River (not trout water)  
Roaring River (not trout water)  
East Prong (headwaters to Brewer's Mill on SR 1943)  
Middle Prong (headwaters to second bridge on SR 1736)  
Mulberry Creek (not trout water)  
Harris Creek (end of SR 1736 to mouth)  
Reddies River (not trout water)  
North Fork (Vannoy Creek) (headwaters to Union School bridge on SR 1559)  
North Prong (Darnell Creek) (downstream ford on SR 1569 to mouth)  
Middle Fork (Clear Prong) (headwaters to bridge on SR 1580)  
South Fork (headwaters to NC 16 bridge)

Lewis Fork, South Prong (headwaters to Lewis Fork Baptist Church)  
Fall Creek (except portion posted against trespass)  
Stony Fork Creek (headwaters to Mt. Zion bridge near intersection of SR 1155 and SR 1167)  
Wildcat Creek

(2) Native Trout Waters. The native trout waters which are not located on game lands are designated in this Subparagraph under the counties where located:

(I) Wilkes County:  
Big Sandy Creek (on Stone Mountain State Park)  
Garden Creek (on Stone Mountain Park)  
Harris Creek and tributaries (on Stone Mountain Park)  
Widow Creek (on Stone Mountain Park)

*Statutory Authority G.S. 113-134; 113-272; 113-292.*

#### **.0206 TROTINES AND SET-HOOKS**

Trotlines, throwlines and set-hooks may be set in the inland waters of North Carolina, provided no live bait is used; except that no trotlines, throwlines or set-hooks may be set in designated public mountain trout waters, or in any of the impounded waters on the Sandhills Game Land. For the purposes of this Regulation, a set-hook is defined as any hook and line which is attached at one end only to a stationary or floating object and which is not under immediate control and attendance of the person using such device. Each trotline and throwline shall have attached the name and address of the user legibly and indelibly inscribed. Each trotline and throwline shall be conspicuously marked at each end with a flag, float, or other prominent object so that its location is readily discernible by boat operators and swimmers. Trotlines and throwlines must be set parallel to the nearest shore in ponds, lakes, and reservoirs. All trotlines and throwlines must be fished at least once daily and all fish removed at that time. Untended trotlines and throwlines as evidenced by the absence of bait, may be removed from the water by wildlife enforcement officers when located in areas of multiple water use.

Recognizing the safety hazards to swimmers, boaters and water skiers which are created by floating metal cans and glass jugs, it is unlawful to use metal cans or glass jugs as floats. This shall not be construed to prohibit the use of plastic jugs, cork, styrofoam, or similar materials as floats.

*Statutory Authority G.S. 113-134; 113-272; 113-292.*

**.0213 SNAGGING FISH**

It is unlawful to take fish from any inland fishing waters by snagging. As used in this Rule, "snagging" means pulling or jerking a device equipped with more than one hook one or more hooks through the water for the purpose of impaling fish thereon.

*Statutory Authority G.S. 113-134; 113-292.*

**SECTION .0300 - GAME FISH**

**.0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

GAME FISHES	DAILY CREEL LIMITS		
Mountain Trout (All Species)	7 (excptn. 3)	None (excptn. 9)	ALL YEAR
Muskellunge and Tiger Musky	2	<u>15</u> in.	<u>ALL YEAR</u>
Chain Pickerel (Jack)	None (excptn. 1)	14 in. (excptns. 4, 8 and 11)	ALL YEAR
Walleye	8 (excptn. 9 and 10)	12 in. (excptns. 4, 8 and 11)	ALL YEAR
<u>Sauger</u>	<u>8</u>	None	ALL YEAR
Black Bass: Largemouth	8 (excptn. 8 and 10)	None 16 in. (exc. 1 and 12)	ALL YEAR
Smallmouth and Spotted	8 (excptn. 8 and 10)	None	ALL YEAR
White Bass	25 (excptn. 1)	None	ALL YEAR (excptn. 5)
Sea Trout (Spot- ted or Speckled)	None		ALL YEAR (excptn. 7)
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (exc. 1 and 6)		

Kokanee Salmon 7

Panfishes None  
(excptn. 5)

**NONGAME FISHES** None

**MINIMUM SIZE LIMITS** **OPEN SEASON (EXCPTN. 2)**

None All year, except  
(excptn. 3) March 1 to 1/2  
hr. before  
sunrise on  
first Saturday  
in April  
(excptns. 2 and 3)

30 in. ALL YEAR

None ALL YEAR

None ALL YEAR

None ALL YEAR

15 in. ALL YEAR

14 in.  
(excptns. 4,  
8 and 11)

12 in.  
(excptns. 4,  
8 and 11)

None ALL YEAR

None ALL YEAR

16 in.  
(exc. 1 and 12)

None ALL YEAR

None ALL YEAR  
(excptn. 5)

None ALL YEAR  
(excptn. 7)

**(b) Exceptions:**

(8) The maximum combined number of black bass of all species that may be retained is eight fish, no more than two of which may be smaller than the applicable mini-

mum size limit. The minimum size limit for all species of black bass is 12 inches in Currituck Sound and tributaries north of Wright Memorial Bridge; in North River and tributaries in Currituck and Camden Counties north of a line between Camden Point and the end of SR 1124; and in and west of Madison, Buncombe, Henderson and Polk Counties. In B. Everett Jordan Reservoir a daily creel limit of four fish and a minimum size limit of 16 inches, with no exception, apply to largemouth bass. In Falls of Neuse Reservoir, east of SR 1004, Sutton Lake and Tuckertown Lake the daily creel limit for black bass is four fish, no black bass between the lengths of 12 inches and 16 inches may be retained, and the minimum size limit for black bass is 16 inches, except that the daily creel may contain two black bass of less than 12 inches in length. In John H. Kerr Reservoir and Lake Gaston the daily creel of five fish shall apply to black bass, provided that this limit shall become effective only when and if the State of Virginia imposes a like creel limit for black bass taken from those impoundments.

Statutory Authority G.S. 113-134; 113-292; 113-304; 113-305.

#### SECTION .0400 - NONGAME FISH

##### .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

(a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line, rod and reel, trotline or set-hook. Nongame fishes may be taken by such hook and line methods at any time without restriction as to size limits or creel limits, except that no trotlines or set-hooks may be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters. The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters shall be the same as the trout fishing season.

(b) Nongame fishes taken by hook and line methods or by licensed special devices may be bought and sold.

(c) Freshwater mussels shall not be taken except by holders of a North Carolina Scientific Collecting License.

Statutory Authority G.S. 113-134; 113-272; 113-292.

##### .0402 TAKING BAIT FISHES AND FISH BAIT

(a) It is unlawful to take bait fishes in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net with a square mesh of not more than three-eighths inch;
- (4) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, and which are under the immediate control and attendance of the individual operating them.

(b) Game fishes and their young taken while netting for bait shall be immediately returned unharmed to the water. No person shall take more than 200 bait fish from inland fishing waters during one day. It is unlawful to take bait fishes or fish bait from designated public mountain trout waters and:

- (1) Chatham County:  
Deep River Rocky River Bear Creek
- (2) Moore County:  
Deep River
- (3) Randolph County:  
Deep River below the Coleridge Dam  
Fork Creek.

Statutory Authority G.S. 113-134; 113-135; 113-272; 113-292.

##### .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS

Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year-round open season for the licensed taking of nongame fishes by bow and arrow. Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

- (7) Bertie:
  - (a) July 1 to June 30 with traps in the Cashie River and Broad Creek (tributary of Roanoke);
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with gill nets in all inland public waters;
- (18) Chatham:

- (a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);
- (b) July 1 to August 31 with seines in the Cape Fear River, Deep River, and Haw River; and Rocky River;
- (c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;
- (61) Moore:
  - (a) December 1 to April 15 with gill nets in Deep River and all tributaries;
  - (b) July 1 to August 31 with seines in all running public waters except in Deep River;
  - (c) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game Land; and with traps in Deep River and its tributaries;
- (67) Pamlico:
  - (a) December 1 to June 5 with dip, bow and gill nets in all inland public waters;
  - (b) Persons owning property adjacent to the inland fishing waters of Dawson Creek and Tarklin Creek are permitted to set two crab pots to be attached to their property and not subject to special device license requirements.
- (74) Randolph:
  - (a) December 1 to March 1 with gill nets in Deep River and Uwharrie River;
  - (b) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
  - (c) July 1 to June 30 with gigs in all public waters;

*Statutory Authority G.S. 113-134; 113-276; 113-292.*

#### **SUBCHAPTER 10D - GAME LANDS REGULATIONS**

##### **.0002 GENERAL REGULATIONS REGARDING USE**

- (c) Possession of Hunting Devices. It is unlawful to possess a firearm or bow and arrow on a game land at any time except during the open hunting seasons or hunting days for game birds or game animals thereon unless said device is cased or not immediately available for use, provided that such devices may be possessed and used by persons participating in field trials on field trial areas and on target shooting areas designated by the landowner, and possessed in designated camping areas for defense of persons and property; and provided further that .22 caliber pistols with barrels not greater than seven and one-half inches in length and shooting only short,

long, or long rifle ammunition may be carried as side arms on game lands at any time other than by hunters during the special bow and arrow and muzzle-loading firearms deer hunting seasons and by individuals training dogs during closed season without field trial authorization. This Rule shall not prevent possession or use of a bow and arrow as a licensed special fishing device in those waters where such use is authorized. During the closed firearms seasons on big game (deer, bear, boar, wild turkey), no person shall possess a shotgun shell containing larger than No. 4 shot or any ~~any~~ firearm larger than a .22 caliber rimfire while on a game land, except that shotgun shells containing No. 2 shot may be used on Croatan, Goose Creek and Gull Rock Game Lands. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, or while hunting waterfowl on Butner-Falls of Neuse Game Land or New Hope Game Land.

*Statutory Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306.*

#### **.0003 HUNTING ON GAME LANDS**

##### **(d) Hunting Dates:**

- (1) Doves may be taken on the following game lands and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving, Christmas and New Years Days within the federally-announced season:

Buncombe County--Brownstown Farms Game Land Guilford County--Guilford County Farm Game Land Lenoir County--Caswell Farm Game Land Wayne County--Cherry Farm Game Land

- (2) Any game may be taken during the open seasons on the following game lands and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Years Days. In addition, deer may be taken with bow and arrow on the opening day of the bow and arrow season for deer. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays. Additional restrictions apply as indicated in parentheses following specific designations:

Ashe County--Carson Woods Game Land Beaufort and Craven Counties--Big Pocosin Game Land (Dogs may not be trained or

used in hunting from March 2 to August 31. Deer of either sex may be taken on the first Wednesday after Thanksgiving and on the second Saturday after Thanksgiving, November 30 and on December 3. Trapping is controlled by the landowner.)

Bertie County--Bertie County Game Lands  
Bladen County--Bladen Lakes State Forest Game Lands (Handguns may not be carried and, except for muzzle-loaders, rifles larger than .22 caliber rimfire may not be used or possessed. On the Breece Tract and the Singletary Tract deer and bear may be taken only by still hunting. Deer of either sex may be taken on the first Wednesday after Thanksgiving and on the second Saturday after Thanksgiving.)

Cabarrus County--River View Acres Game Land

Caswell County--Caswell Game Land (That part designated and posted as a "safety zone" is closed to all hunting and trapping, and entry upon such area for any purpose, except by authorized personnel in the performance of their duties, is prohibited. On areas posted as "restricted zones" hunting is limited to bow and arrow.)

Catawba and Iredell Counties--Catawba Game Land (No deer may be taken from the tracts known as Island Point or Molly's Backbone.)

Lenoir County--H.M. Bizzell, Sr., Game Land

Onslow County--White Oak River Impoundment Game Land (In addition to the dates above indicated, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.)

Pender County--Holly Shelter Game Land (In addition to the dates above indicated, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons. Deer of either sex may be taken on the first Wednesday after Thanksgiving and on the second Saturday after Thanksgiving.)

Richmond, Scotland and Moore Counties--Sandhills Game Land (The regular gun season for deer consists of the open hunting dates from the second Monday before Thanksgiving to the third Saturday after Thanksgiving except on the field trial grounds where the gun season is from the second Monday before Thanksgiving to the Saturday following Thanksgiving.

Deer may be taken with bow and arrow on all open hunting dates during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving week, and during the regular gun season. Except for the deer seasons above indicated and the managed either-sex permit hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31. In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.)

Robeson County--Keith Farm Game Land (No deer may be taken.)

Stokes County--Sauratown Plantation Game Land

Yadkin County--Huntsville Community Farms Game Land

(3) Any game may be taken on the following game lands during the open season, except that:

(D) Except on bear sanctuaries, dogs may be used for hunting small game on those gamelands which are closed to deer hunting;

(E) On Croatan, Goose Creek, New Hope and Shearon Harris Game Lands waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Years Days; and on the opening and closing days of the applicable waterfowl seasons; except that outside the posted waterfowl impoundments on Goose Creek Game Land hunting any waterfowl in season is permitted any week day during the last 10 days of the regular duck season as established by the U.S. Fish and Wildlife Service; On the Pamlico Point, Campbell Creek, and Spring Creek impoundments a special permit is required for hunting on those opening and closing days of the waterfowl season as well as on those Saturdays that fall after November 1 of the season and on Thanksgiving, Christmas, and New Years day.

(F) On the posted waterfowl impoundments of Gull Rock Game Land hunting of any species of wildlife is limited to Mondays, Wednesdays, Saturdays; Thanksgiving, Christmas, and New Years Days; and the opening and closing days of the applicable waterfowl seasons;

(F) (G) On bear sanctuaries in and west of Madison, Buncombe, Henderson and Polk Counties dogs may not be trained or allowed to run unleashed between March 1 and October 11;

(G) (H) On Butner-Falls of Neuse and Person Game Lands waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons;

(H) (I) On Angola Bay, Croatan, Goose Creek, Hofmann Forest and Tuscarora Game Lands deer of either sex may be taken during from the period first Wednesday after Thanksgiving November 30 through the following Saturday; December 3; and

(J) Horseback riding is prohibited on the Casell and Thurmond Chatham gamelands; and

(K) Additional restrictions or modifications apply as indicated in parentheses following specific designations.

Alexander and Caldwell Counties--Brushy Mountains Game Lands  
Anson County--Anson Game Land  
Ashe County--Bluff Mountain Game Lands  
Ashe County--Cherokee Game Lands  
Ashe and Watauga Counties--Elk Knob Game Land  
Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Jackson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey Counties--Pisgah Game Lands (Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to October 11 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.)  
Beaufort, Bertie and Washington Counties--Bachelor Bay Game Lands  
Beaufort and Pamlico Counties--Goose Creek Game Land  
Brunswick County--Green Swamp Game Land  
Burke County--South Mountains Game Lands  
Burke, McDowell and Rutherford Counties--Dysartsville Game Lands  
Caldwell County--Yadkin Game Land  
Carteret County--Lukens Island Game Land

Carteret, Craven and Jones Counties--Croatan Game Lands  
Chatham County--Chatham Game Land  
Chatham and Wake Counties--New Hope Game Lands  
Chatham and Wake Counties--Shearon Harris Game Land  
Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania Counties--Nantahala Game Lands (~~It is unlawful to take or hunt deer on Fires Creek Bear Sanctuary.~~ (Raccoon and opossum may be hunted only from sunset Friday until sunrise on Saturday and from sunset until 12:00 midnight on Saturday on Fires Creek Bear Sanctuary in Clay County and in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake and west of Nottely River; in the same part of Cherokee County dog training is prohibited from March 1 to October 11. It is unlawful to train dogs or allow dogs to run unleashed on Fires Creek Bear Sanctuary at any time, except that dogs may be used when hunting raccoon or opossum and for hunting grouse and rabbits during the open seasons. It is unlawful to train dogs or allow dogs to run unleashed on any game land in Graham County between March 1 and October 11.)  
Chowan County--Chowan Game Land  
Cleveland County--Gardner-Webb Game Land  
Craven County--Neuse River Game Land  
Craven County--Tuscarora Game Land  
Currituck County--North River Game Land  
Currituck County--Northwest River Marsh Game Land  
Dare County--Dare Game Land (No hunting on posted parts of bombing range.)  
Davidson, Davie and Rowan Counties--Aleoa Game Land  
Davidson County--Linwood Game Land  
Davidson, Montgomery, Randolph and Stanly Counties--Uwharrie Game Land  
Duplin and Pender Counties--Angola Bay Game Land  
Durham, Granyille and Wake Counties--Butner-Falls of Neuse Game Land (On portions of the Butner-Falls of Neuse Game Land designated and posted as "safety zones" and on that part marked as the Penny Bend Rabbit Research Area no hunting is permitted. On portions posted as "restricted zones" hunting is limited to bow and arrow during the bow

and arrow season and the regular gun season for deer.)

Franklin County--Franklin Game Lands  
Gates County--Chowan Swamp Game Land  
Granville County--Granville Game Lands  
Halifax County--Halifax Game Land  
Harnett County--Harnett Game Land  
Henderson, Polk and Rutherford Counties--Green River Game Lands  
Hyde County--Gull Rock Game Land  
Hyde County--Pungo River Game Land  
Hyde and Tyrrell Counties--New Lake Game Land  
Jones and Onslow Counties--Hofmann Forest Game Land  
Lee County--Lee Game Land  
McDowell County--Hickory Nut Mountain Game Land  
Moore County--Moore Game Land  
New Hanover County--Catfish Lake Game Land  
Northampton County--Northampton Game Land  
Orange County--Orange Game Land  
Person County--Person Game Land  
Richmond County--Richmond Game Land  
Transylvania County--Toxaway Game Land  
Vance County--Vance Game Land  
Warren County--Warren Game Lands  
Wilkes County--Thurmond Chatham Game Land

(4) Deer of either sex may be taken on the hunt dates indicated by holders of permits to participate in managed hunts scheduled and conducted in accordance with this Subparagraph on the game lands or portions of game lands included in the following schedule:

Wednesday and Thursday of the first week after Thanksgiving Week:  
Uwharrie and Alcoa southeast of NC 49

~~Thursday and Friday of the first week after Thanksgiving Week:~~

~~Bladen Lakes State Forest~~  
~~Holly Shelter~~

Third Saturday after Thanksgiving Day:  
Carson Woods  
Thurmond Chatham

Thursday and Friday of the third week after Thanksgiving Week:  
Sandhills east of US 1  
Sandhills west of US 1

Fourth Saturday after Thanksgiving Day:  
Dysartsville in McDowell County  
~~Green River~~  
Hickorynut Mountain in McDowell County

Pisgah in Avery County  
Pisgah in Burke County  
Pisgah in Caldwell County  
Pisgah in McDowell County  
Pisgah in Yancey County north of US 19-19E

South Mountains  
Thurmond Chatham

Application forms for permits to participate in managed deer hunts on game lands, together with pertinent information and instructions, may be obtained from hunting and fishing license agents and from the Wildlife Resources Commission. Completed applications must be received by the Commission not later than the first day of October next preceding the dates of hunt. Permits are issued by random computer selection, are mailed to the permittees 30 days prior to the hunt, and are nontransferable. Each permit is accompanied by an appropriate big game tag. A hunter making a kill must tag the deer and report the kill to a wildlife cooperator agent.

*Statutory Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305.*

## **TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina State Board of Dental Examiners intends to amend rule(s) cited as 21 NCAC 16H .0104.*

*The proposed effective date of this action is July 1, 1989.*

*The public hearing will be conducted at 10:00 a.m. on January 13, 1989 at Offices of the North Carolina State Board of Dental Examiners, 3716 National Drive, Suite 221, Raleigh, North Carolina.*

*Comment Procedures: Any person interested in this rule may present oral comments relevant to the proposals at the public hearing or deliver written comments to the Board prior to February 12, 1989. Anyone wishing to address the Board at the public hearing should notify the Board by noon on January 12, 1989, that they wish to speak on the proposal. Oral presentations will be limited to 5 minutes per speaker. The Board's mailing address is: Post Office Box 32270, Raleigh, North Carolina 27622-2270.*

CHAPTER 16 - DENTAL EXAMINERS

SUBCHAPTER 16H - DENTAL ASSISTANTS

SECTION .0100 - CLASSIFICATION AND TRAINING

.0104 APPROVED EDUCATION AND TRAINING PROGRAMS

Education and training programs approved by the North Carolina State Board of Dental Examiners and experience requirements qualifying Dental Assistants as Dental Assistant II are as follows include:

- (1) satisfactory completion of one academic year or longer in a dental assistant or dental hygiene program approved by the Council on Dental Education Commission on Dental Accreditation of the American Dental Association;
- (2) satisfactory completion of the University of North Carolina correspondence course, a course of study approved by the North Carolina State Board of Dental Examiners;
- (3) any dental assistant who has been employed as a chairside assistant full time by a dentist licensed in North Carolina and received in-office training for three years prior to January 1, 1973, is qualified to take x-rays; and has completed at least nine hours of didactic training in a dental assisting course approved by the board;
- (4) a currently certified dental assistant (certified by the Dental Assisting National Board);
- (5) a person who has completed at least two years in an approved nurses' educational program and who has been employed as a chairside dental assistant for at least six months and is qualified to take x-rays; or
- (6) a person who can establish to the board's satisfaction that he has received equivalent training and experience. in a branch of the United States Armed Forces.

Statutory Authority G.S. 90-29(c)(9).

\* \* \* \* \*

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina State Board of Dental Examiners intends to adopt rule(s) cited as 21 NCAC 16Q .0101, .0201 - .0202, .0301 - .0304, .0401, .0501.*

*The proposed effective date of this action is July 1, 1989.*

*The public hearing will be conducted at 10:00 a.m. on January 13, 1989 at Offices of the North Carolina State Board of Dental Examiners, 3716 National Drive, Suite 221, Raleigh, North Carolina.*

*Comment Procedures: Any person interested in this rule may present oral comments relevant to the proposals at the public hearing or deliver written comments to the Board prior to February 12, 1989. Anyone wishing to address the Board at the public hearing should notify the Board by noon on January 12, 1989, that they wish to speak on the proposal. Oral presentations will be limited to 5 minutes per speaker. The Board's mailing address is: Post Office Box 32270, Raleigh, North Carolina 27622-2270. This notice supersedes a previous notice concerning these same rules.*

*These same rules were published in Volume 3, Issue 15 for a public hearing date of December 9, 1988.*

CHAPTER 16 - DENTAL EXAMINERS

SUBCHAPTER 16Q - GENERAL ANESTHESIA

SECTION .0100 - DEFINITIONS

.0101 PURPOSE

For the purposes of these rules relative to the administration of general anesthesia and sedation, by or under the direction of a licensed dentist, the following definitions shall apply:

- (1) "General Anesthesia" is the intended controlled state of depressed consciousness produced by a pharmacologic agent and accompanied by a partial or complete loss of protective reflexes including the inability to maintain an airway and respond purposefully to physical stimulation or verbal command.
- (2) "Sedation" is the intravenous, intramuscular, subcutaneous, submucosal, or rectal administration of pharmacological agents, with the intent to obtain a depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command.
- (3) "Nitrous Oxide Inhalation Conscious Sedation (Dental Analgesia)" is the administration by inhalation of a combination of nitrous oxide and oxygen produced with an intent to obtain an altered level of consciousness that retains the patient's ability to

independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command.

(4) "Local Anesthesia" is the loss of sensation of pain in a specific area of the body generally produced by a topically applied agent or an injected agent without intentionally affecting the level of consciousness.

*Statutory Authority G.S. 90-28.*

**SECTION .0200 - TIMETABLE FOR REGULATIONS**

**.0201 GENERAL ANESTHESIA**

Twenty-four months after the effective date of these rules and regulations, a dentist licensed in this state shall have the right to administer or direct the administration of general anesthesia in the practice of dentistry if that dentist has met the requirements for administration of general anesthesia as specified by the State Board of Dental Examiners.

*Statutory Authority G.S. 90-28.*

**.0202 SEDATION**

Twenty-four months after the effective date of these rules and regulations, a dentist licensed in this state shall have the right to administer or direct the administration of sedation in the practice of dentistry if that dentist has met the requirements for administration of sedation as required by the State Board of Dental Examiners.

*Statutory Authority G.S. 90-28.*

**SECTION .0300 - CREDENTIALS NECESSARY FOR ADMINISTRATION OF GENERAL ANESTHESIA AND SEDATION**

**.0301 GENERAL ANESTHESIA CREDENTIALS**

Credentials may be satisfied by a licensed dentist to use general anesthesia on an outpatient basis for dental patients provided the dentist meets the following criteria as outlined below:

(1) Required Criteria:

- (a) The dentist has completed a minimum of one year of advanced training or the equivalent in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program approved by the board; or
- (b) Any individual who is a graduate of an ADA certified program in oral and maxillofacial surgery or as diplomate of the American Board of Oral and Maxillofacial Surgery, or is eligible for examination by the American Board of Oral and Maxillo-

facial Surgery, has by definition met the requirements to administer general anesthesia.

- (c) Is a Fellow of the American Dental Society of Anesthesiology; or
- (d) Is a licensed dentist who has been utilizing general anesthesia in a competent manner for the five years preceding the effective date of this Rule and who passes an on-site examination and inspection of office facilities by qualified representatives of the North Carolina State Board of Dental Examiners.
- (e) The dentist may have the preanesthetic evaluation and anesthetic administration done by a qualified anesthesiologist licensed to practice in North Carolina. The anesthesiologist would monitor the patient until discharge from the dental office. The anesthesiologist and the dentist would be responsible for insuring the standard of care for the dental office to the North Carolina State Board of Dental Examiners.
- (f) A dentist qualified to administer general anesthesia may have the anesthesia administered in collaboration with a certified nurse anesthetist. The dentist and the nurse anesthetist would be responsible for insuring standard of care for the dental office to the State Board of Dental Examiners.

(2) A dentist using general anesthesia shall maintain a properly equipped facility for the administration of general anesthesia staffed with supervised auxiliary personnel. The clinical personnel shall have the capacity to effectively manage the procedure, as well as any problems or emergency incidents that may occur as result of the general anesthetic or secondary to an unexpected medical complication.

- (3) A dentist and his auxiliary personnel using general anesthesia shall be trained in and capable of administering basic life support.
- (4) A dentist qualified to administer general anesthesia under this Rule may administer sedation under Rule .0302.

*Statutory Authority G.S. 90-28.*

**.0302 SEDATION CREDENTIALS**

Credentials may be satisfied by a licensed dentist to use sedation on an outpatient basis on dental patients provided the dentist meets the following criteria:

- (1) The dentist has received formal training and certification in a program approved by the

State Board of Dental Examiners which included physical evaluation, I.V. sedation, airway management, monitoring basic life support, and emergency training hours as well as the amount of didactic and patient contact hours involved in his or her training. The minimum number of didactic hours will be 60 hours. The minimum number of patient contact hours will be 20 hours to include a minimum of 10 patients. The formal training program shall be sponsored by or affiliated with a university, a teaching hospital, an organization, or be a part of the undergraduate curriculum of an accredited dental school. Any sponsoring organization not affiliated with a university or teaching hospital shall be approved by the State Board of Dental Examiners.

- (2) The dentist may have the presedation evaluation and the sedation administration done by a qualified anesthesiologist licensed to practice in North Carolina. The anesthesiologist would monitor the patient until discharge from the dental office. The anesthesiologist and the dentist would be responsible for insuring the standard of care for the dental office to the North Carolina Board of Dental Examiners.
- (3) A dentist qualified to administer sedation may have the sedation administered in collaboration with a certified nurse anesthetist. The dentist and the anesthetist would be responsible for insuring standard of care for the dental office to the North Carolina Board of Dental Examiners.
- (4) A dentist administering sedation shall maintain a properly equipped facility for the administration of sedation staffed with supervised auxiliary personnel. The clinical personnel shall be capable of reasonably handling procedure, problems, and emergencies incident thereto.
- (5) A dentist administering sedation and his auxiliary personnel shall be proficient in basic life support.
- (6) A dentist who has been administering sedation on an outpatient in a competent and efficient manner for the three years preceding the effective date of these rules and regulations who has not had the benefit of formal education as outlined in these rules may continue use, provided the dentist fulfills the provisions set forth in Paragraphs (d) and (e) of this Rule.

*Statutory Authority G.S. 90-28.*

**.0303 NITROUS OXIDE INHALATION**

**CONSCIOUS SEDATION (DENTAL ANALGESIA) CREDENTIALS**

There will be no additional requirements or credentials necessary for a licensed dentist in North Carolina to administer nitrous oxide inhalation conscious sedation.

*Statutory Authority G.S. 90-28.*

**.0304 LOCAL ANESTHESIA CREDENTIALS**

There will be no additional requirements or credentials necessary for a licensed dentist in North Carolina to administer local anesthesia.

*Statutory Authority G.S. 90-28.*

**SECTION .0400 - METHOD OF CREDENTIALING**

**.0401 REVIEW OF CREDENTIALS**

No dentist shall use or assume responsibility for the use of general anesthesia or sedation in a dental office of dental patients unless the dentist has met the qualifications required by the North Carolina Board of Dental Examiners. Dentists so qualified shall be subject to review and their facilities subject to inspection by members or representatives of the board as deemed appropriate by the board. Credentials must be reviewed bi-annually. Continuing education is encouraged:

- (1) Within one year of the effective date of these rules, each dentist who has been administering or responsible for the administration of general anesthesia shall submit credentials on the appropriate form to the North Carolina Board of Dental Examiners if that dentist desires to continue to administer or be responsible for the administration of general anesthesia to dental patients on an outpatient basis. This form must include a fee of one hundred thirty dollars (\$130.00) as well as evidence indicating compliance with Section .0300 - General Anesthesia Credentials. Prior to the acceptance of credentials, the board may, at its discretion, require an on-site inspection of facilities, equipment, personnel, and procedures to determine if the requirements have been met. This evaluation shall be carried out by the board or by a team of consultants appointed by the board.
- (2) Within one year of the effective date of these rules, each dentist who has been administered or responsible for the administration of sedation shall submit credentials on the appropriate form to the North Carolina Board of Dental Examiners if that dentist desires to continue to administer or be responsible for the administration of se-

dation to dental patients on an outpatient basis. The form must be accompanied by a one hundred thirty dollars (\$130.00) fee as well as evidence of compliance with Section .0400 - Sedation Credentials. Prior to the acceptance of credentials, the board may, at its discretion, require an on-site inspection of facilities, equipment, personnel, and procedures to determine if the requirements have been met. This evaluation shall be carried out by the board or by a team of consultants appointed by the board.

- (3) Temporary approval may be granted for the new applicant based solely on credentials until all processing and investigation have been completed. Temporary approval shall not exceed 12 months.
- (4) Biannual approval of credentials will be considered following submission of the proper form and may involve board reevaluation of credentials, facilities, equipment, personnel, and procedures of a previously

qualified dentist to determine if the dentist is still qualified. A renewal fee of fifty dollars (\$50.00) must accompany this form.

*Statutory Authority G.S. 90-28.*

**SECTION .0500 - REPORTS REQUIRED**

**.0501 REPORTS REQUIRED**

All licensed dentists engaged in the act or practice of dentistry while administered general anesthesia or sedation must submit a report within a 30 day period to the North Carolina Board of Dental Examiners regarding any known mortality or serious unusual incident which occurs in a dental facility or during the 24 hour period after the patient leaves the facility, if the incident produces temporary or permanent physical or mental injury of the patient as a direct result of the administration of general anesthesia or sedation.

*Statutory Authority G.S. 90-28.*

*Upon request from the adopting agency, the text of rules will be published in this section.*

*When the text of any adopted rule is identical to the text of that as proposed, adoption of the rule will be noted in the "List of Rules Affected" and the text of the adopted rule will not be republished.*

*Adopted rules filed by the Departments of Correction, Revenue and Transportation are published in this section. These departments are not subject to the provisions of G.S. 150B, Article 2 requiring publication of proposed rules.*

## **TITLE 17 - DEPARTMENT OF REVENUE**

### **CHAPTER 6 - INDIVIDUAL INCOME TAX DIVISION**

#### **SUBCHAPTER 6B - INDIVIDUAL INCOME TAX**

##### **SECTION .0300 - PERSONAL EXEMPTION**

###### **.0320 MUSCULAR DYSTROPHY**

An additional one thousand one hundred dollars (\$1,100) exemption may be claimed for the taxpayer or the taxpayer's dependent who has muscular dystrophy. To qualify for the exemption, eligible individuals must submit with their income tax return a supporting statement from a physician or county health department. This exemption may be claimed for a qualified spouse who meets the requirements for a dependent even though a dependency exemption may not be claimed.

*History Note: Statutory Authority G.S.*

*105-149(a); 105-262;*

*Eff. November 1, 1988;*

*Amended Eff. December 1, 1988.*

#### **SUBCHAPTER 6C - WITHHOLDING**

##### **SECTION .0100 - WITHHOLDING INCOME TAXES**

###### **.0102 WITHHOLDING FROM WAGES**

Employers must withhold North Carolina income tax from the wages paid to their employees according to tables prepared by the North Carolina Department of Revenue or by using an acceptable alternate method and they must pay over the amount withheld to the department. North Carolina does not employ a depository system for income tax withheld. The amount

withheld is deemed by law to be held in trust by the employer for the Secretary of Revenue. The tax withheld or required to be withheld is due to be paid at the same time that the withholding tax report is required to be filed. Whenever the Department of Revenue determines that collection of the tax is in jeopardy, an employer may be required to report and/or pay the tax at any time after payment of the wages from which the tax should be withheld. The manner in which this is required to be done is explained in the booklet, Income Tax Withholding Tables and Instructions for Employers, Form NC-30.

A penalty of 25 percent of the amount due is imposed for failure to withhold the tax, to file the report on time, or to pay the tax when due. Criminal penalties are provided for willful failure to withhold the tax, to file a return, or to pay the tax when due.

Any person required to collect, truthfully account for, and pay over income tax required to be deducted and withheld, who fails to collect and pay over such amount to the Secretary of Revenue shall be personally liable for a penalty equal to the total amount not collected or not accounted for and paid to the Secretary of Revenue. If an employer has failed to collect, or pay over income tax withheld or required to have been withheld, a 100 percent penalty may be asserted against the responsible corporate officers, directors, employees, stockholders, or other such responsible person whenever such taxes cannot be immediately collected from the employer. More than one person may be liable as a person responsible for the payment of withholding taxes; however, the amount of the income tax withheld or required to have been withheld will be collected only once, whether from the employer or one or more responsible persons. The term "responsible persons" includes any person who is in a position to control the finances of the employer or has the authority or ability to determine which obligations should or should not be paid. Responsibility is a matter of status, duty and authority, not knowledge. For the penalty to apply, it is not necessary that the failure to collect and pay the withholding amounts was willful; it is only necessary that the responsible person failed to pay the tax withheld or required to have been withheld to the Secretary of Revenue regardless of his reasons or the knowledge he had of such failure.

*History Note: Statutory Authority G.S.*

*105-163.1; 105-163.1(4); 105-163.1(5);*

*105-163.1(6); 105-163.2; 105-163.3;*

*105-163.6; 105-163.18; 105-262;*

*Eff. February 1, 1976;*

*Amended Eff. December 1, 1988;*

*April 1, 1987.*

## **CHAPTER 7 - SALES AND USE TAX**

### **SUBCHAPTER 7B - STATE SALES AND USE TAX**

#### **SECTION .4600 - MOTOR VEHICLES AND BOATS**

##### **.4604 SPECIAL EQUIPMENT-ACCESSORIES: MOTOR VEHICLES**

(a) Retail sales of motor vehicles with special accessories such as pulling devices, hole digging devices, aerial working devices or other special accessories which are attached to and a part of such motor vehicles when they are delivered to purchasers are subject to the two percent rate of tax with a maximum tax of three hundred dollars (\$300.00) applicable to each such vehicle. The term "motor vehicle," as used in this Rule, means any vehicle which is self-propelled and designed primarily for use upon the highways and any vehicle designed to run upon the highways which is propelled by a self-propelled vehicle, but shall not include any implement of husbandry, farm tractor, road construction or maintenance machinery or equipment, special mobile equipment as defined in G.S. 20-4.01 or any vehicle designed primarily for use in work off the highway.

(b) Persons selling such special equipment or accessories at retail which they mount upon a motor vehicle chassis or body belonging to others must collect and remit the three percent state and two percent county sales or use tax thereon. Any charges for labor or services rendered in installing or applying such items are not subject to tax provided such charges are segregated from the charge for the tangible personal property sold on the invoice given to the customer at the time of sale and in the vendor's records; otherwise the total amount is subject to tax.

*History Note: Statutory Authority G.S.*

*105-164.4; 105-164.6; 105-262;*

*Eff. February 1, 1976;*

*Amended Eff. December 1, 1988.*

### **SUBCHAPTER 7C - LOCAL GOVERNMENT: MECKLENBURG COUNTY: SUPPLEMENTAL LOCAL GOVERNMENT AND ADDITIONAL SUPPLEMENTAL LOCAL GOVERNMENT SALES AND USE TAX ACTS**

#### **SECTION .0100 - LOCAL GOVERNMENT SALES AND USE TAXES**

##### **.0103 SALES TAX IMPOSED**

(a) Every retailer whose place of business is located in a county which has levied the Meck-

lenburg County or the local government sales and use tax and the supplemental local government and the additional supplemental local government sales and use tax is required to collect and remit to the North Carolina Secretary of Revenue the county sales tax at the rate of two percent on:

- (1) the sales price of those articles of tangible personal property now subject to the three percent sales tax imposed by the state under G.S. 105-164.4(1); but not on sales of electricity, piped natural gas or intrastate telephone service taxed under G.S. 105-164.4(4a);
- (2) the gross receipts derived from the lease or rental of tangible personal property where the lease or rental of such property is an established business now subject to the three percent sales tax imposed by the state under G.S. 105-164.4(2);
- (3) the gross receipts derived from the rental of any room or lodging furnished by any hotel, motel, inn, tourist camp or other similar accommodations now subject to the three percent sales tax imposed by the state under G.S. 105-164.4(3);
- (4) the gross receipts derived from services rendered by laundries, dry cleaners, cleaning plants and similar type businesses now subject to the three percent sales tax imposed by the state under G.S. 105-164.4(4).

(b) All retailers making sales from a place of business located within a taxing county must collect and remit the two percent local sales tax for the county in which the retailer's place of business is located. Effective March 1, 1988, for local sales tax purposes, the situs of a sale is the retailer's place of business located within a taxing county where the vendor becomes contractually obligated to make the sale. The term "place of business located within a taxing county" shall mean stores, warehouses, sales outlets, inventories, and other places within a taxing county where tangible personal property is maintained for sale, lease, or rental at retail, and it shall include inventories of goods carried on foot or in vehicles for sale to customers in a taxing county. It shall also include laundries, dry cleaning plants, or similar businesses and hotels, motels, or similar facilities in a taxing county. Taxable tangible personal property sold and delivered from a business location in a taxing county to the buyer or his agent at a point within this State, if such agent is not a common carrier, is subject to the tax for the county in which the retailer's place of business is located notwithstanding that the purchaser may subsequently transport the property outside this state or the taxing county for use.

*History Note: Statutory Authority G.S. 105-262; 105-467; Eff. February 1, 1976; Amended Eff. December 1, 1988; August 1, 1988; August 1, 1986.*

**.0104 USE TAX IMPOSED**

(a) A local use tax is levied at the rate of two percent of the cost price of each item or article of tangible personal property which is used, consumed or stored for use or consumption in a taxing county and such use tax may be imposed only on those items of tangible personal property upon which the state now levies a three percent use tax under G.S. 105-164.6. Every retailer engaged in business in this state and in the taxing county and required to collect the use tax levied by G.S. 105-164.6 shall also collect the one percent local use tax and remit same to the North Carolina Secretary of Revenue when such property is to be used, consumed or stored in the taxing county. The use tax shall be levied against the purchaser and his liability for such tax shall be extinguished only upon his payment of the tax to the retailer, where the retailer has charged the tax, or to the Secretary of Revenue where the retailer has not charged the tax. Every person who purchases any taxable tangible personal property for storage, use or consumption in a taxing county from vendors located outside North Carolina or outside the purchaser's county on which the county tax was not required to be collected by the vendors must report and remit the applicable use tax to the Secretary of Revenue.

(b) Where a local sales or use tax has been paid with respect to such tangible personal property by the purchaser thereof, either in another taxing county within this State or in a taxing jurisdiction outside this State where the purpose of the tax is similar in purpose and intent to the local sales or use tax which is imposed within this State, said tax may be credited against the local use tax due. If the amount of local sales or use tax paid in another taxing county or jurisdiction is less than the amount of tax due the taxing county, the purchaser shall pay to the Secretary of Revenue an amount equal to the difference between the amounts so paid in the other taxing county or jurisdiction and the amount due in the taxing county. No credit shall be allowed for sales and use taxes paid in a taxing jurisdiction outside this State if that taxing jurisdiction does not allow a credit for local government sales taxes paid in this State. The local use tax will not be subject to credit for payment of any state sales or use tax not imposed for the benefit and use of counties and municipalities.

*History Note: Statutory Authority G.S. 105-262; 105-468; Eff. February 1, 1976; Amended Eff. December 1, 1988; August 1, 1988; February 8, 1981.*

**SECTION .0200 - MECKLENBURG COUNTY SALES AND USE TAXES**

**.0201 COLLECTION AND ADMINISTRATION OF THE TAX**  
**.0202 SALES TAX IMPOSED**  
**.0203 USE TAX IMPOSED**

*History Note: Statutory Authority G.S. 105-262; Session Laws, Chapter 1096, Section 4 (1967); Session Laws, Chapter 1096, Section 5 (1967); Session Laws, Chapter 1096, Section 6 (1967); Eff. February 1, 1976; Amended Eff. August 1, 1988; August 1, 1986; February 8, 1981; Repealed Eff. December 1, 1988.*

**SECTION .0300 - APPLICATION OF LOCAL TAX TO SPECIFIC TRANSACTIONS**

**.0301 LOCAL SALES TAX LEVY**  
**.0302 LOCAL USE TAX LEVY**

*History Note: Statutory Authority G.S. 105-262; 105-467; 105-468; Session Laws, Chapter 1096, Section 4 (1967); Session Laws, Chapter 1096, Section 5 (1967); Eff. February 1, 1976; Repealed Eff. December 1, 1988.*

**SECTION .0400 - SUPPLEMENTAL LOCAL GOVERNMENT SALES AND USE TAX ACT**

**.0401 TAX IMPOSED**  
**.0402 SALES CONTRACTS**

*History Note: Statutory Authority G.S. 105-262; 105-483; Eff. January 3, 1984; Repealed Eff. December 1, 1988.*

**SECTION .0500 - ADDITIONAL SUPPLEMENTAL LOCAL GOVERNMENT SALES AND USE TAX ACT**

**.0501 TAX IMPOSED**  
**.0502 DISTRIBUTION OF ADDITIONAL TAXES**  
**.0503 SALES CONTRACTS**

*History Note: Statutory Authority G.S. 105-262; 105-498; 105-501; Eff. February 1, 1987; Repealed Eff. December 1, 1988.*

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